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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,456	06/20/2001	Jeffrey D. Washington	5150-48400	6339

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EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,456	WASHINGTON ET AL.	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *06/04/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. It is noted that the copy of the Preliminary Amendment filed on 10/27/04 satisfies the requirements of the Office Action mailed on 12/21/04, but did not get matched to the application until after the Office Action was mailed.

2. It is noted that claim 30 has a typographical error. A period should be inserted at the end of the claim.

Specification

3. It is noted that there is no commonly named inventor of the current application and Application 09/518492, therefore, the benefit claimed under Application 09/518492 does not satisfy 35 USC 120. Appropriate correction is required.

It is noted that there is no commonly named inventor of the current application and Application 09/595003, therefore, the benefit claimed under Application 09/595003 does not satisfy 35 USC 120. Appropriate correction is required.

Oath/Declaration

4. A new oath or declaration is required because benefit under 35 USC 120 is not correctly claimed. (see section 3 above).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin et al ("Rubin", USP 5824361).

Regarding claims 1 and 17, Rubin teaches a method for configuring a node in a graphical program (configure a node 12) (see graphical network program in Fig 19) (col 3, lines 28-37), the method comprising displaying a node in a graphical program (NODE:SCADA01, see Fig. 4), wherein the node is configurable to perform a plurality of operations depending upon user input specifying configuration information for the node (user's selections on icons 52-58 to configure the node) (col 9, lines 1-3 and 35-38); displaying a graphical user interface (GUI) for specifying configuration information for the node (toolbox 51) (see Figures 4), wherein the GUI comprises information useable in guiding a user in configuring the node to perform one or more operations from the plurality of operations, receiving user input via the GUI specifying one or more desired operations for the node from the plurality of operations (user's selection on icon 55 in toolbox 51) (col 15, lines 57-62); programmatically generating graphical source code for the node to implement the one or more desired operations, in response to the user input (col 16, lines 60-63).

Regarding claims 2 and 18, Rubin teaches programmatically generating the graphical source code for the node to implement the one or more desired operations does teaches not including generating graphical source code corresponding to operations from the plurality of operations that are not among the one or more desired operations (it is inherent that that the screen does not display representation of icons which are not selected).

Regarding claims 3 and 19, Rubin teaches programmatically generating the graphical source code for the node to implement the one or more desired operations does not include generating graphical source code not necessary to implement the one or more desired operations (inherent).

Regarding claims 4 and 20, Rubin teaches said programmatically generating the graphical source code for the node to implement the one or more desired operations comprises generating a minimal amount of graphical source code to implement the one or more desired operations (col 16, lines 60-63).

Regarding claims 7, 43, and 50, Rubin teaches receiving user input requesting to change configuration information for the node after said programmatically generating the graphical source code for the node (choose another icons in toolbox 51) (Fig. 4); re-displaying the graphical user interface (GUI) in response to the user input requesting to change the configuration information of the node (displaying dialog box corresponding to that icon) (col 7, lines 34-42);
receiving user input via the GUI specifying a second one or more desired operations for the node; programmatically replacing the previously generated graphical source code with new graphical source code for the node, wherein the new graphical source code implements the second one or more desired operations (col 13, lines 1-12).

Regarding claim 8, Rubin teaches wherein the first one or more desired operations includes a first operation; wherein the second one or more desired operations does not include the first operation, wherein the new graphical source code does not include graphical source code to implement the first operation (inherent).

Regarding claims 9 and 23, Rubin teaches wherein no functionality is set for the node until after said programmatically generating graphical source code for the node (col 18, lines 38-45) (Fig. 19).

Regarding claims 5, 21, 37, and 55, Rubin teaches generating the graphical source code as a sub-program of the graphical program, wherein the node represents the sub-program (node is a part of the network).

Regarding claims 6 and 22, Rubin teaches replacing the node in the graphical program with the programmatically generated graphical source code (network operation) (Fig. 19).

Regarding claims 10, 24, and 46, Rubin teaches wherein default functionality is set for the node; wherein said programmatically generating graphical source code for the node comprises replacing the default functionality with functionality implemented by the programmatically generated graphical source code (col 13, lines 1-12).

Regarding claim 44, Rubin teaches display the new graphical source code in place of the previously generated graphical source code (inherent in re-configuration).

Regarding claims 11, 25, and 47, Rubin teaches no program instructions to be executed during execution of the graphical program are associated with the node until after said programmatically generating graphical source code for the node (col 7, lines 17-22).

Regarding claim 45, Rubin teaches wherein no functionality is set for the node until after the graphical source code is programmatically generated for the node (inherent).

Regarding claim 12, Rubin teaches receiving user input requesting to specify configuration information for the node (col 9, lines 34); wherein said displaying the graphical user interface IGUII is performed in response to the user input requesting to specify configuration information for the node (col 9, lines 35-43).

Regarding claims 13 and 56-57, Rubin teaches the GUI for specifying configuration information for the node comprises one or more GUI input panels wherein the one or more GUI input panels include GUI input controls operable to receive user input for configuring functionality for the node (col 9, lines 35-43).

Regarding claim 14, Rubin teaches determining the one or more desired operations for the node based on the user input received by the GUI input controls (col 9, lines 35-43).

Regarding claims 15 and 26, Rubin teaches a method for configuring a node in a graphical program (configure a node 12) (see graphical network program in Fig 19) (col 3, lines 28-37), the method comprising displaying a node in a graphical program (NODE:SCADA01, see Fig. 4), wherein the node is configurable to perform functionality depending upon user input specifying configuration information for the node (user's selections on icons 52-58 to configure the node) (col 9, lines 1-3 and 35-38); displaying a graphical user interface (GUI) for specifying functionality information for the node (toolbox 51) (see Figures 4), wherein the GUI is usable to specify functionality for the node, receiving user input via the GUI specifying desired functionality for the node (user's selection on icon 55 in toolbox 51) (col 15, lines 57-62); programmatically

generating graphical source code for the node to implement the specified functionality, in response to the user input (col 16, lines 60-63).

Regarding claims 16 and 27, Rubin teaches the GUI is useable to specify first functionality and second functionality for the node (user's selections on icons 52-58 to specify functionalities) (col 9, lines 1-3 and lines 35-38); wherein the user input specifying the desired functionality but does not specify the second functionality (selection on one icon); wherein said programmatically generating the graphical source code for the node includes programmatically generating graphical source code to implement the first functionality (col 16, lines 60-63); wherein said programmatically generating the graphical source code for the node does not include programmatically generating graphical source code to implement the second functionality (inherent).

Regarding claims 28, 36, and 59, Rubin teaches displaying the programmatically generated graphical source code in the graphical program (Fig. 19).

Regarding claims 29, 38, 49, and 61-63, Rubin teaches displaying the programmatically generated graphical source code in place of the node in the graphical program (col 18, lines 38-42).

Regarding claims 30, 39, and 51, Rubin teaches receiving user input selecting the node prior to said displaying the node in the graphical program (col 8, lines 49-65).

Regarding claims 31, 40, 52, and 64, Rubin teaches plurality of interconnected nodes that visually indicate functionality of the graphical source code (col 18, lines 38-45).

Regarding claims 32, 41, 53, and 65, Rubin teaches a plurality of nodes interconnected in one or more of a data flow, control flow, and execution flow format (nodes 702a and 702b in Fig. 19).

Regarding claims 33, 42, and 54, Rubin teaches a plurality of nodes interconnected to indicate data flow among the nodes (nodes 702a and 702b in Fig. 19).

Regarding claims 34-35, Rubin teaches a plurality of nodes interconnected to indicate control flow or execution flow among the nodes (nodes 702a and 702b in Fig. 19).

Regarding claims 48, 58, and 60, Rubin teaches a method for creating a graphical program, the method comprising

selecting a graphical program node in response to user input and displaying the graphical program node in a diagram after said selecting (col 8, lines 49-65) (NODE:SCADA01, see Fig. 4);

displaying a graphical user interface (GUI) after selecting the graphical program node (toolbox 51) (see Figures 4);

receiving user input to the GUI configuring desired operation of the graphical program node (user's selection on icon 55 in toolbox 51) (col 15, lines 57-62); and

programmatically generating graphical source code based on the user input configuring desired operation of the graphical program node, wherein the graphical source code is programmatically generated as a sub-program of the graphical program node (col 16, lines 60-63).

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach configuring nodes/objects/elements in graphical program which relates to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

Patent Examiner